REMARKS

The present application includes claims 37-57. Claims 37-57 have been rejected by the Examiner. By this response, claims 37, 43, and 53 have been amended and claims 55-56 have been cancelled.

Claims 43-57 were rejected under 35 U.S.C. 102(e) as being anticipated by Rothschild et al., U.S. Pat. Pub. No. 2002/0019751 (Rothschild).

Claims 37-42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rothschild and further in view of Byers et al., U.S. Pat. No. 5,488,702 (Byers).

The Applicant next turns to the reject of claims 43-57 under 35 U.S.C. 102(e) as being anticipated by Rothschild. Rothschild discloses a system and method for managing medical images. ([0001]). Rothschild provides a medical image management system that includes a medical imaging system, a local image workstation, and a central data management system. ([0038]). The medical imaging system produces an electronic record in a computer-readable format. ([0038]). The local image workstation communicates with the medical imaging system along a local interface to transfer the electronic record from the medical imaging system. ([0038]). The central data management system communicates with the local image workstation along a remote interface to transfer the electronic record to the central data management system. ([0038]). The central data management system is configured to push the electronic record to a pre-determined remote viewing system. ([0038]).

Rothschild also discloses a polling system located in each local image workstation. ([0184]). The polling system communicates with the central data management system. ([0184]).

The central data management system holds data for which attempted delivery has failed in a delivery queue. ([0184]). The polling system includes a connection status monitor that tracks the Internet connection status of the module and identifies and stores the most recent IP address in an associated file. ([0185]). The connection status monitor provides the updated IP address an IP notifier/data requester either directly or by way of an internal poller. ([0189]). When an event such as booting the computer, establishing an Internet connection, a change in the IP address, or the passing of a predetermined time interval occurs, the polling system requests queued data located in the central management system. ([0185]).

However, Rothschild does not teach or suggest "detecting installation of [a] second data source with a status monitor" as recited in independent claim 43, as amended. Rather, Rothschild, as discussed above, merely described a polling system located in each local image workstation that tracks whether the local image workstation is connected to the network. The polling system does not detect the installation of a second data source. That is, the polling system does not detect at least one of the "addition, upgrade, and replacement of [the] second data source" as recited in independent claim 43, as amended. Rather, the polling system of Rothschild merely monitors the network connection state of an existing workstation. Thus, Rothschild does not teach or suggest elements of at least claim 43.

In addition, Rothschild does not teach or suggest a status monitor "adapted to detect an error in accessed medical data at [a] second data source" as recited in independent claim 53, as amended. As stated by the Examiner, "Rothschild et al. do not teach 'detecting an error in accessed medical data.'" (Office Action, mailed January 18, 2006, page 11). Further, Rothschild does not teach or suggest a status monitor "adapted to trigger a restoration of medical data from the centralized remote data store to the second data source" as recited in independent

claim 53, as amended. Rather, as discussed above, at most Rothschild merely describes requesting queued data when an event such as booting the computer, establishing an Internet connection, a change in the IP address, or the passing of a predetermined time interval occurs. The queued data is data that was previously unable to be delivered. ([0085]). Therefore, the requested queued data cannot be restored medical data as recited in independent claim 53. Thus, Rothschild does not teach or suggest elements of at least claim 53.

Thus, the Applicant respectfully submits that independent claims 43 and 53 and corresponding dependent claims 44-52, 54, and 57 are not taught or suggested by Rothschild. Therefore, the Applicant respectfully submits that claims 43-54 and 57 are in condition for allowance.

The Applicant next turns to the reject of claims 37-42 under 35 U.S.C. 103(a) as being unpatentable over Rothschild and further in view of Byers. Byers relates to error detection techniques for storage access operations in multi-processor computer systems. (col. 1, lines 19-21). More specifically, it relates to the generation and validation of error detection codes embedded in portions of data stored in a file cache system. (col. 1, lines 21-23). The invention described in Byers is part of the file cache system. (col. 4, lines 39-40). The file cache system provides an intermediate storage capability for a host with greatly improved file access time and resiliency against data loss comparable to disks. (col. 4, lines 39-42). The file cache system allows references to cached files to be immediately directed to the file cache system for processing, in contrast to references to non-cached files, where an input/output channel program must be constructed on the host to access the proper disk via a control unit. (col. 4, lines 57-63).

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The implementation of the file cache system reduces the path length that a request must travel in order to update a file, to shorten file access times. (col. 4, lines 63-67).

As stated by the Examiner, "Rothschild et al. do not teach 'detecting an error in accessed medical data.'" (Office Action, mailed January 18, 2006, page 11). Thus, Rothschild cannot teach or suggest "detecting an error in accessed medical data with a status monitor" as recited in independent claim 37, as amended. Further, Byers does also not teach "detecting an error in accessed medical data with a status monitor" as recited in independent claim 37, as amended. Rather, Byers, as discussed above, addresses protecting file data against corruption by a file cache system in a multi-processor computer system. (*see, e.g.,* col. 9, lines 45-47). Byers does not teach or suggest a status monitor for detecting an error in accessed medical data. Byers does not teach or suggest a status monitor "adapted to monitor operations occurring at [a] data source" as recited in independent claim 37, as amended. Thus, neither Rothschild nor Byers, alone, nor in combination, teach or suggest elements of at least claim 37.

In addition, Rothschild does not teach or suggest a "trigger produced by [a] status monitor when [an] error is detected" or transferring a copy of medical data "based on [the] trigger" as recited in independent claim 37, as amended. As stated by the Examiner, "Rothschild et al. do not teach 'detecting an error in accessed medical data.'" (Office Action, mailed January 18, 2006, page 11). Thus, Rothschild cannot teach or suggest a trigger produced by a status monitor when an error is detected, nor can Rothschild teach or suggest copying medical data based on the trigger.

Byers does not remedy these shortcomings of Rothschild. Byers does not teach or suggest a trigger produced by a status monitor when an error is detected, nor does Byers teach or suggest copying medical data based on the trigger. Rather, Byers teaches away from this. Byers

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discloses comparing keys to detect whether the data returned from the file cache system came from the correct portion of file data specified by a read request. (col. 9, lines 45-62). If a mismatch in keys occurs, "an error condition is raised and the process requesting the File data does not receive the data belonging to the specified file." (col. 9, lines 62-64). Therefore, the detection in an error in Byers results in an error condition being raised and no data being returned to protect the integrity of file data from errant stores or retrievals. (*see* col. 9, lines 64-66). That is, rather than transferring data based on a trigger produced when an error is detected, Byers teaches that no data is transferred when an error is detected. Thus, neither Rothschild nor Byers, alone, nor in combination, teach or suggest elements of at least claim 37.

Thus, the Applicant respectfully submits that independent claim 37 and corresponding dependent claims 38-42 are not taught or suggested by Rothschild or Byers, alone or in combination. Therefore, the Applicant respectfully submits that claims 37-42 are in condition for allowance.
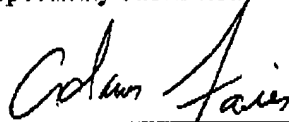
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CONCLUSION

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of GEMS-IT, Account No. 50-2401.

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Respectfully submitted,

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